

*Attorneys for Defendant,  
Andrew Anglin*

TANYA GERSH,  
Plaintiff,  
vs.  
ANDREW ANGLIN,  
Defendant.

**MOTION TO RESET HEARING  
ON MOTION TO DISMISS**

**MOTION TO RESET HEARING ON MOTION TO DISMISS**

Defendant Andrew Anglin, by and through his undersigned counsel, hereby moves this Honorable Court for an order resetting the hearing on Defendant's Motion to Dismiss from April 3, 2018, as currently scheduled, to another date as outlined below:

On March 21, 2018, the Magistrate Judge entered an Order and Findings & Recommendations, recommending denial of Defendant's Motion to Dismiss as to his claims for relief under Fed. R. Civ. P. 12(b)(1) and 12(b)(5). (Dkt. No. 75.) The Magistrate Judge additionally scheduled a hearing on Defendant's remaining claim for relief under Fed. R. Civ. P. 12(b)(6) for April 3, 2018 at 1:30 p.m. (*Id.*)

Defendant's lead counsel has identified scheduling conflicts which would preclude him from participating in the hearing as scheduled. Mr. Randazza has a morning deposition and a federal court settlement conference scheduled on April 2, 2018 in Los Angeles, California; a hearing in Las Vegas, Nevada on the morning of April 3, 2018; and a deposition in Las Vegas, Nevada on April 4, 2018.

Defendant's counsel's office conferred with counsel for Plaintiff on March 21, 2018. **Counsel for both Parties found the date of April 12, 2018 to be mutually agreeable for a re-scheduled hearing in this matter.** Plaintiff's counsel indicated that Plaintiff does not oppose resetting the hearing to this date, however she would not consent to joining this motion.

Defendant additionally proposes the following dates: April 13, April 16, April 17, April 18, April 20, April 30, May 1, May 2, May 3, or May 4. Plaintiff indicated unavailability on April 16 and 17. Plaintiff also objected to dates

thereafter, but only on the grounds that “it has been too long.” Defendant believes that another few days or weeks so that he can have due process with counsel of his choice should be no great inconvenience to anyone.

Defendant’s lead counsel is unavailable between April 4 to April 11. While plans are not yet concrete, Defendant’s lead counsel is scheduled to be out of the Country the week of the April 23. This trip may include a meeting with Mr. Anglin, therefore there is a preference for a hearing date the week of April 30 to May 4.

WHEREFORE, Defendant Andrew Anglin respectfully requests that the Court reset the hearing on his Motion to Dismiss to April 12, 2018, or such other date as outlined above.

Dated: March 21, 2018.

Respectfully submitted,

/s/ Marc J. Randazza

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Case No. 9:17-cv-50-DLC-JCL

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on March 21, 2017, I electronically filed the foregoing document with the Clerk of the Court using CM/ECF. I further certify that a true and correct copy of the foregoing document being served via transmission of Notices of Electronic Filing generated by CM/ECF.

/s/ Marc J. Randazza

Marc J. Randazza

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